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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,823	02/27/2002	David Hanson	10018734-1	6189

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EXAMINER

DANIELS, ANTHONY J

ART UNIT PAPER NUMBER

2622

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/083,823	Applicant(s) HANSON, DAVID	
	Examiner Anthony J. Daniels	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-7,9-11,13,14 and 16-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-34 is/are allowed.
- 6) ☒ Claim(s) 2,4-6,9,10,13,14 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 7,11 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment, filed on 3/1/2006, has been entered and made of record. Claims 2,4-7,9-11,13,14,16-34 are pending in the application.

Response to Arguments

2. Applicant's arguments with respect to the independent claims have been fully considered and are persuasive.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2,4-6,9,10,13,14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto (US 2002/0030754) in view of Hirasawa (US # 5,579,048).

Claims 6,10,14 will be discussed first.

As to claim 6, Sugimoto teaches an image capturing device (Figures 1,3 and 4), comprising: a main body (Figure 1); a camera-back display located on a back region of said main body (Figure 3, LCD monitor "28") and adapted to display a captured image in a display area (Figure 5); and a status display provided within said display area of said camera-back display (Figure 5) and adapted to display status information of said image capturing device (Figure 5,

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four menu items “82”; *{Sugimoto terms the items as menu items, but these items also display a status.}*); and a status display control device located on said back region (Figure 3, cross button “32”, menu/execute button “46”, and cancel/return button “44”) that controls a position of said status display within said camera-back display ([0050], Lines 1-4). The claim differs from Sugimoto in that it further requires that the menu items be manually movable by a user vertically and/or horizontally within said camera-back display.

In the same field of endeavor, Hirasawa teaches the use of switching control device to move a menu within a viewfinder display in a horizontal and vertical position (Figure 21; Col. 15, Lines 61-67, Col. 16, Lines 1-7). In light of the teaching of Hirasawa, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sugimoto to include the ability to move the menu items within the LCD, because an artisan of ordinary skill in the art would recognize that this would allow the user to move the camera status display if it were to interfere or become a nuisance to the user viewing or capturing the images (see Hirasawa, Col. 2, Lines 35-45).

As to claim 10, Sugimoto teaches an image capturing device (Figures 1, 3 and 4), comprising: a camera-back display located on a back region of a main body of said image capturing device (Figure 3, LCD monitor “28”) for displaying status information (Figure 5); a status display control device (Figure 3, cross button “32”, menu/execute button “46”, and cancel/return button “44”) capable of accepting user inputs and controlling a status display within said camera-back display [0050], [0051]); a memory including a status information storage area comprising one or more status information items of said image capturing device ([0051], *{A memory to store the current set items is inherent in the system of Sugimoto.}*), and a

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picture-in-picture routine capable of generating said status display ([0050], Lines 1-4, "...the capturing setting menu screen appears..."); and a processor communicating with said camera-back display, said status display control device, and said memory, and wherein said processor receives said user inputs and generates said status display (Figure 4, CPU "64"; [0047]). The claim differs from Sugimoto in that it further requires that the menu items be manually movable by a user vertically and/or horizontally within said camera-back display.

In the same field of endeavor, Hirasawa teaches the use of switching control device to move a menu within a viewfinder display in a horizontal and vertical position (Figure 21; Col. 15, Lines 61-67, Col. 16, Lines 1-7). In light of the teaching of Hirasawa, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sugimoto to include the ability to move the status display within the LCD, because an artisan of ordinary skill in the art would recognize that this would allow the user to move the camera status display if it were to interfere or become a nuisance to the user viewing or capturing the images (see Hirasawa, Col. 2, Lines 35-45).

As to claim 14, Sugimoto teaches a status information display method for an image capturing device (Figure 5), comprising the steps of: providing a camera-back display located on a back region of a main body of said image capturing device (Figure 3, LCD monitor "28"); providing a movable status display within said camera-back display (Figure 5, [0050], Lines 1-4); and providing a status display control device that controls a position of said status display within said camera-back display ([0050], Lines 1-4); wherein said status display displays one or more status information items relating to operational parameters of said device (Figure 5, menu

items “82”). The claim differs from Sugimoto in that it further requires that the menu items be manually movable by a user vertically and/or horizontally within said camera-back display.

In the same field of endeavor, Hirasawa teaches the use of switching control device to move a menu within a viewfinder display in a horizontal and vertical position (Figure 21; Col. 15, Lines 61-67, Col. 16, Lines 1-7). In light of the teaching of Hirasawa, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sugimoto to include the ability to move the status display within the LCD, because an artisan of ordinary skill in the art would recognize that this would allow the user to move the camera status display if it were to interfere or become a nuisance to the user viewing or capturing the images (see Hirasawa, Col. 2, Lines 35-45).

As to claim 2, Sugimoto, as modified by Hirasawa, teaches the image capturing device of claim 6, wherein said status display comprises a picture-in-picture display within said camera-back display (see Sugimoto, Figure 5).

As to claim 4, Sugimoto, as modified by Hirasawa, teaches the image capturing device of claim 6, further comprising a status display control device located on said back region (see Sugimoto, Figure 3, cross button “32”, menu/execute button “46”, and cancel/return button “44”) that controls a size of said status display within said camera-back display (see Sugimoto, Figure 5; [0051], Lines 1,2, “...popped up...”).

As to claim 5, Sugimoto, as modified by Hirasawa, teaches the image capturing device of claim 6, further comprising a status display control device located on said back region that enables and disables said status display (see Sugimoto, Figure 3, menu/execute button “46”, cancel/execute button “44”).

As to claim 9, Sugimoto, as modified by Hirasawa, teaches the image capturing device of claim 10, wherein said memory further includes a user-settable display enable variable that enables and disables said status display (see Sugimoto, [0050], Lines 1-4; *{A variable that enables and disables the display is inherent in the system of Sugimoto.}*).

As to claim 13, Sugimoto, as modified by Hirasawa, teaches the method of claim 14, wherein said status display displays said one or more status information items within said camera-back display in a picture-in-picture format (see Sugimoto, Figure 5).

As to claim 17, Sugimoto, as modified by Hirasawa, teaches the method of claim 14, wherein said status display displays a flash mode status information (see Sugimoto, [0050], Lines 4-9, "...electric flash...").

4. Claims 18-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto (US 2002/0030754) in view of Hirasawa (US # 5,579,048) and further in view of Niikawa et al. (US 2002/0171747).

As to claims 19 and 20, Sugimoto, as modified by Hirasawa, teaches the method of claim 14. The claims differ from Sugimoto, as modified by Hirasawa, in that they further require that the menu items include an image resolution status information, and a number of captured images.

In the same field of endeavor, Niikawa teaches a digital camera with a camera-back display that displays a status list showing an image resolution status information (see Niikawa et al., Figure 8, Resolution: 1600x1200), and a number of captured images (see Niikawa et al., Figure 8; *{Number of images remaining displays indirectly how many were taken.}*) on the same

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display screen as a captured image (Figure 8). In light of the teaching of Niikawa et al., it would have been obvious to one of ordinary skill in the art to display the number of frames remaining, the battery status, and the image resolution status on the menu item screen of Sugimoto, because an artisan would recognize that this would allow the user to be aware of vital, current camera conditions before capturing without the use of a separate LCD panel, thereby increasing the efficiency of the camera.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto (US 2002/0030754) in view of Hirasawa (US # 5,579,048) and further in view of Arai et al. (US # 5,570,156).

As to claim 19, Sugimoto, as modified by Hirasawa, teaches the method of claim 14. The claim differs from Sugimoto, as modified by Hirasawa, in that it further requires that said menu items display a battery status information.

In the same field of endeavor, Arai et al. teaches a digital camera with an electronic viewfinder display that displays battery status information on the same display screen as a captured image (Figure 15A). In light of the teaching of Niikawa et al., it would have been obvious to one of ordinary skill in the art to display the number of frames remaining, the battery status, and the image resolution status on the menu item screen of Sugimoto, because an artisan would recognize that this would allow the user to be aware of vital, current camera conditions before capturing without the use of a separate LCD panel, thereby increasing the efficiency of the camera.

Allowable Subject Matter

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6. Claims 21-34 are allowed. The reasons for allowance can be found in the Office Action dated 3/11/2005.

7. Claims 7,11,16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The reasons for allowance can be found in the previous Office Action.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Daniels whose telephone number is (571) 272-7362. The examiner can normally be reached on 8:00 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AD
5/3/2006


TUAN HO
PRIMARY EXAMINER